

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
MDL DOCKET NO. 5:20-MD-2947-KDB-DSC**

IN RE: LOWE'S COMPANIES, INC.)	
FAIR LABOR STANDARDS ACT)	
(FLSA) AND WAGE AND HOUR)	
LITIGATION)	ORDER
)	
)	
THIS DOCUMENT APPLIES TO)	
<i>All Cases</i>)	
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ORDER

The Court has reviewed Lowe's Motion To Enforce The Court's October 19, 2021 Order, and the exhibits thereto. *See* Doc. No. 72. Plaintiffs did not file a response. For good cause shown, the Court:

- (1) Dismisses without prejudice Opt-Ins Josh Bottomley and Trisha Hern for failure to appear for depositions as required by the October 19 order.
- (2) Dismisses without prejudice Opt-In Plaintiffs Andrew Blanton and Jose Joiner for failure to remedy deficiencies in their discovery responses as required by the October 19 order.
- (3) Requires Opt-In Plaintiff Christopher Johnson and Named Plaintiff Georgina Ortiz to resolve the deficiencies in their respective discovery responses by December 31 (by production of the requested materials or a verified statement that there are no materials to produce). In the event that these deficiencies are not resolved, then these Plaintiffs may be dismissed upon notice to the Court and good cause shown.

(4) Allows Lowe's to re-open the depositions of Opt-In Plaintiffs David Berry, Diana Brandes, Jordan Coleman, and Dawn Gunnoe in light of their post-deposition productions of smartphone messages.

SO ORDERED, ADJUDGED AND DECREED.

Signed: December 19, 2021



Kenneth D. Bell
United States District Judge

